

STATE OF HAWAII
Department of Land and Natural Resources
Division of State Parks
Honolulu, Hawai'i

October 27, 2006

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Subject: Request Approval to Enter into a Memorandum of Agreement between State of Hawaii, Department of Land and Natural Resources, and Hawai'i Maoli to Undertake Repair and Renovation Projects at the Royal Mausoleum at Mauna`ala, Nu`uanu, O`ahu (TMK: 2-2-021: 012).

The Division of State Parks (State Parks) requests approval for the Department of Land and Natural Resources (DLNR) to enter into a Memorandum of Agreement (MOA) with Hawai'i Maoli, a nonprofit incorporation, for the purpose of undertaking various repair and restoration projects at the Royal Mausoleum at Mauna`ala. Given the limited availability of state funds for major repair and restoration projects, Hawai'i Maoli is proposing to undertake the needed projects with the financial support of numerous foundations, the Ali'i Trusts, the Association of Hawaiian Civic Clubs, grants, and private donors. Hawai'i Maoli will seek the needed funds, manage their expenditure, and enter into the contracts required to plan and execute these projects. This MOA establishes an understanding between the parties on the kinds of work being undertaken and the responsibilities of the respective parties in overseeing the repair and restoration effort. The anticipated duration of the MOA is three years.

Background

The Royal Mausoleum at Mauna`ala was established by Kamehameha IV in 1864 to house the remains of the direct descendants of Kamehameha and their closest family members and advisors. Construction on the original mausoleum building was completed in 1865 and by 1884 it contained the caskets of at least 24 members of this family, including those of Kings Kamehameha II through Kamehameh V. After David Kalakaua assumed the throne in 1874, at least 10 members of his family and that of his wife's family were also laid to rest in the mausoleum. All the caskets were eventually removed from the mausoleum building and dispersed to individual crypts and vaults constructed on the grounds of the Royal Mausoleum.

The first crypt was constructed specifically for Kamehameha's descendants and wives after the death of Bernice P. Bishop in 1884. Their caskets were moved to the new crypt in 1887. A crypt for King Kalakaua and Queen Kapi`olani and their family members was

completed in 1910 and their caskets interred in the crypt at that time. Other vaults were established on the grounds for John Young, Kamehameha I's valued advisor, and one for Robert Wyllie, an advisor to Kamehameha III and IV, and 10 members of Queen Emma's family. Conversion of the mausoleum building to a chapel was completed by 1922 once all the caskets had been buried on the Royal Mausoleum grounds and the *ka'ai*, thought to contain the remains of the ancestral chiefs Liloa and Lonoikamakahiki, had been transferred to the Bishop Museum. The chapel has undergone a number of renovations since 1922 as have the Kalakaua Crypt and John Young's tomb.

After the annexation of Hawai'i in 1900, a Joint Resolution was adopted by the United States Congress that prohibited the Royal Mausoleum from being "sold, leased or otherwise disposed of as public lands." Since that time, various Territorial agencies oversaw the maintenance and upkeep of the Royal Mausoleum until this responsibility passed to State Parks in 1968. The Royal Mausoleum (Site No. 80-14-9909) was listed on the National Register of Historic Places in 1972 and on the State Register of Historic Places in 1981.

The non-profit organization Hawai'i Maoli was formed by the Association of Hawaiian Civic Clubs to help fulfill the Association's long-range goals to "preserve and cherish all sources and records of ancient Hawaiian traditions, customs, language and historic sites." Since its formation in 1997, Hawai'i Maoli has gained considerable experience in grant and contract management for non-profit projects designed to benefit the Hawaiian people and perpetuate their language, culture and historic sites. Hawai'i Maoli is an Internal Revenue Service 501(c)3 tax exempt organization incorporated in the State of Hawaii. Members believe that these projects are particularly appropriate for this organization because the Hawaiian Civic Club was founded by Prince Jonah Kuhio Kalaniana'ole who is interred at Mauna'ala. This MOA will help Hawai'i Maoli verify its legitimate role in undertaking projects at Mauna'ala when seeking grants and entering into contracts.

Most of the projects being proposed were identified in a 2005 facilities asset management evaluation prepared for the Charles Reed Bishop Trust. An architectural and engineering firm will be contracted to prepare the general and specific plans needed to undertake the repair and renovation projects and a landscape architect will be contracted to prepare a landscaping plan for the Royal Mausoleum grounds. The proposed repairs focus on the Chapel's interior and exterior, the Wyllie Crypt, the rock boundary wall, the wrought iron fencing, gilding on the crypt, fence, and gate ornamentation, and the driveway. Landscaping work will include the removal of invasive or unwanted trees, pruning, and establishing other landscaping features recommended by the contracted assessment. Also being considered is constructing a plant nursery on the grounds and replacing the existing comfort station.

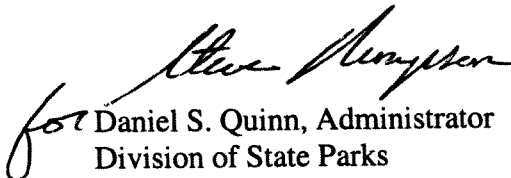
The proposed MOA is attached.

STAFF RECOMMENDATION:

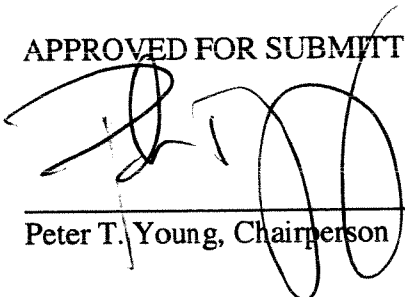
That the Board of Land and Natural Resources:

- 1). Approve entering into a Memorandum of Agreement with Hawai'i Maoli to undertake repair and renovation projects at the Royal Mausoleum at Mauna`ala subject to approval by the Attorney General.
- 2) Authorize the Chairperson as its designee to approve any revisions or amendments to the Memorandum of Agreement as needed.

Respectfully Submitted,


for Daniel S. Quinn, Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:



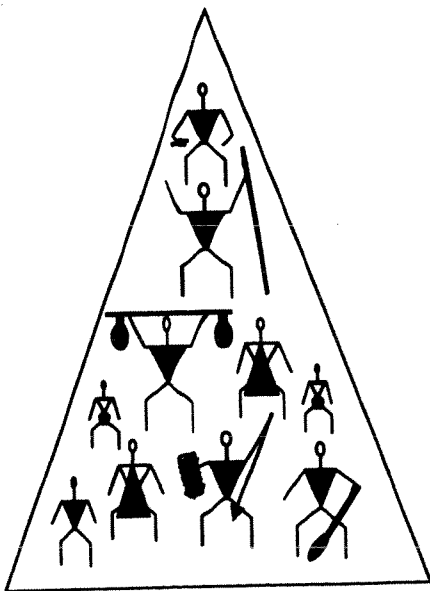
Peter T. Young, Chairperson

Memorandum of Agreement

Between

**State of Hawai`i
Department of Land and Natural Resources
and
Hawai`i Maoli**

**Regarding
Restoration of the Royal Mausoleum
at Mauna`ala**



Hawai`i Maoli

Helping Hawaiians
to build strong and healthy
communities and to preserve
Native Hawaiian culture, language
and historic sites

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS
AND
HAWAII MAOLI**

MEMORANDUM OF AGREEMENT

THIS AGREEMENT, executed on the respective dates indicated below, is effective as of _____, 2006, between the STATE OF HAWAII (hereafter referred to as "STATE"), by the Board of Land and Natural Resources, whose address is 1151 Punchbowl Street, Honolulu, HI 96813, and HAWAII MAOLI, by its President, whose address is 7192 Kalaniana'ole Highway, Suite D202, Honolulu, HI 96825. This Agreement is intended to stipulate the understanding between the two parties in regard to work to be accomplished at the Royal Mausoleum at Mauna'ala (herewith referred to as PROJECT) located on Nu'uuanu Street in Honolulu, Hawaii 96817, the burial site of Hawaii's royalty and their confidantes.

BACKGROUND

The property on which the Royal Mausoleum is located at Mauna'ala was a gift of King Kamehameha IV after the death of his son Prince Albert Edward Kaiulani Leopapa a Kamehameha in 1864 for the purpose of building a mausoleum for Hawaii's royal family. A year later, Kamehameha IV died. In October of 1865 he was the first royal to be interred at Mauna'ala, followed by his son and other members of the Kamehameha family. Since 1865 all of the kings and queens of Hawaii, with the exception of Kamehameha I and William Lunalilo are interred in this property with members of their families and close confidantes, including John Young, the grandfather of Queen Emma and Kamehameha I's loyal advisor, and Robert Wyllie, Kamehameha IV's Foreign Minister.

In 1900, the property was placed under the jurisdiction of the Territorial Government. With lobbying efforts of Queen Lili'uokalani and the first Delegate to Congress from Hawaii, Robert Wilcox, a Joint Congressional Resolution was adopted in May 1900 to prohibit the Royal Mausoleum from being "sold, leased or otherwise disposed of as public lands." -Today, the property is managed by the State Parks Division of the Department of Land and Natural Resources, State of Hawaii.

In 1972, the Royal Mausoleum (Site No. 80-14-9909) was listed in the National Register of Historic Places and on the State Register of Historic Places in 1981.

ABOUT HAWAI'I MAOLI

HAWAI'I MAOLI is a non-profit Hawai'i corporation exempt from federal income taxation under Section 501(a) of the Internal Revenue Code (the Code) as an organization described in Section 501(c)3 of the Code. It was formed in 1997 by the Association of Hawaiian Civic Clubs to fulfill the long-range goals set forth in the Association's 1997 strategic plan, which includes, among other things, "to preserve and cherish all sources and records of ancient Hawaiian traditions, customs, language and historic sites." The first Hawaiian Civic Club was founded by Prince Jonah Kuhio Kalaniana'ole, nephew of Queen Kapi'olani consort of King Kalakaua, and second Delegate to Congress, all of whom are interred at Mauna'ala.

HAWAI'I MAOLI has experience in seeking, disbursing and managing grants, contracts and private funds, for nonprofit projects that benefit the Hawaiian people and the perpetuation of their language, culture and historic sites.

INTRODUCTION

This PROJECT is planned as a three-year endeavor. The PROJECT will address the need for renovation and repairs to the buildings, burial sites and landscaping at Mauna'ala. Most were identified in a 2005 facilities asset management evaluation prepared for the Charles Reed Bishop Trust. While the State receives funds for basic maintenance of the grounds and buildings, it does so with limited funds. HAWAI'I MAOLI, with the financial support of a number of foundations, the Ali'i Trusts, the Association of Hawaiian Civic Clubs, State agencies and private donors, will embark on the task of restoration of the Royal Mausoleum and grounds. This initiative may be augmented by repair and restoration work undertaken by State Parks with funds obtained through the Office of Hawaiian Affairs.

RESPONSIBILITIES OF HAWAI'I MAOLI

The work proposed by HAWAI'I MAOLI at Mauna`ala during this PROJECT includes but is not limited to the list below and is dependent on the availability of funds:

Contracting and Consulting Services:

- Contracting an architectural and engineering firm to prepare general and specific plans, including compliance documents if needed, to repair and renovate the buildings, structures, objects, and infrastructure identified as part of the PROJECT.
- Contracting a landscape architect to draw up plans to re-landscape the property
- Contracting a certified arborist to consult on the condition of existing trees

Overseeing Contracts to:

- Repair Chapel interior, including window panes, walls and koa woodwork
- Repair gate at Chapel entrance
- Repair plaster walls of the Mausoleum
- Repair Wyllie Crypt
- Re-gild the *pulo`ulo`u* (*kapu* sticks) near the various crypts and on the fence and gate ornamentation
- Repair windows in Curator's residence
- Repair historic boundary rock wall
- Repair wrought iron fencing
- Repave driveway and fix the curbing
- Replace driveway light with one that is more of a period piece
- Install new plantings and landscaping features
- Install a support system for historic Kamani tree at the entrance
- Removal of invasive, unwanted, diseased and dead trees and shrubs and prune larger trees
- Install a plant nursery on the grounds

- **Replace comfort station and expand facility to include a pavilion for shelter and interpretive panels**

The above-mentioned work is expected to cost approximately \$2.0 million and will depend on funds available. HAWAI'I MAOLI will continue to solicit funding to support this repair and restoration project.

HAWAI'I MAOLI will submit to the STATE for review and approval all general and specific plans prepared for the PROJECT prior to commencement of any repairs, renovation and construction and will notify the STATE of any problems or unforeseen circumstance that arise which require plan or design revisions.

HAWAI'I MAOLI will, from time to time, use the assistance of volunteer workers comprised of members of the Association of Hawaiian Civic Clubs. Volunteers from other groups or individuals may also participate without being required to become members of the Association of Hawaiian Civic Clubs and other community groups that show a similar interest in the restoration of the Mausoleum.

HAWAI'I MAOLI may undertake additional work consistent with the nature and scope of the repairs and renovations identified under the PROJECT by mutual agreement between the State and the HAWAI'I MAOLI without amending this AGREEMENT.

HAWAI'I MAOLI will give the STATE the opportunity review and comment on documents prepared for the purpose of soliciting funds to support the PROJECT.

HAWAI'I MAOLI will maintain liability Insurance naming STATE as additionally insured and will see that all contractors and subcontractors have the same requirement in their Liability Insurance policies.

RESPONSIBILITY OF THE STATE

STATE will continue to oversee basic grounds and building maintenance, especially the maintenance of existing coconut and palm trees.

STATE, in consultation with Kahu William Mai`oho, Mauna`ala Curator, will review and approve all plans prepared for the purpose the PROJECT prior to commencement and conduct site inspections when appropriate.

STATE will, in accordance with sections 6E-7 and 8, HRS, and chapter 13-275, HRS, be responsible for obtaining concurrence from the State Historic Preservation Division to proceed with all repairs, renovations, or construction conducted under this AGREEMENT and for submitting for review and approval any plans or reports prepared in compliance with chapters 13-275 through 13-280, HAR.

STATE Parks Archaeologists will conduct, to the extent possible, archaeological work required under chapter 13-275, HAR, and prepare all plans and reports resulting from these requirements at no cost to the Project.

STATE will assist in compiling information and documentation needed to evaluate the effects of repair and renovation work on historic architectural properties proposed under this Project in accordance with chapter 13-275, HRS.

STATE will assist in the preparation of documents or applications required to comply with any applicable federal, state or county laws or regulations.

STATE will provide HAWAI'I MAOLI with all records, reports or information from its files that could assist in the preparation of the architectural, engineering, and landscaping plans needed to proceed with the PROJECT.

STATE will respond with any changes and/or corrections to plan or design within a reasonable time frame.

STATE will assist in the removal of existing debris, large plants and trees, especially in areas designated for the expanded comfort station facility and the plant nursery.

TERMS OF AGREEMENT

The term of this AGREEMENT is for three years. Term extensions will be approved in writing by both parties. Either party may terminate this AGREEMENT after providing the other party with thirty (30) days written notice.

COMPLIANCE WITH LAW

HAWAI'I MAOLI shall comply with all applicable Federal, State and County laws, ordinances, codes, rules and regulations and with the rules of the Hawai'i State Park System, set forth in the Hawai'i Administrative Rules, Title 13, Subtitle 6.

AMENDMENT OF AGREEMENT

This AGREEMENT may be amended only in writing after being approved by both parties and following signature of the amendment by HAWAI'I MAOLI and the Board of Land and Natural Resources or its designee.

REPORTING

Six months after the effective date of this AGREEMENT, HAWAI'I MAOLI shall provide STATE with a written summary of its activities under the AGREEMENT, and every six months thereafter.

IN VIEW OF THE ABOVE, the parties execute this AGREEMENT by their signatures, on the dates below, to be effective as of the date written below.

STATE OF HAWAI'I

Peter T. Young
Chairperson,
Department of Land & Natural Resources

Dated: _____

HAWAI'I MAOLI

Henry Halenani Gomes
President

Dated: _____

APPROVED AS TO FORM:

Deputy Attorney General